

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN ROBERT DEMOS, JR., )  
Plaintiff, ) CASE NO. C05-826JCC  
v. )  
UNITED STATES OF AMERICA, *et al.*, ) ORDER DENYING APPLICATION  
Defendants. ) TO PROCEED *IN FORMA PAUPERIS*  
 ) AND DISMISSING CASE

This is the fourth civil rights action filed by Washington State prisoner John Demos in 2005. He alleges that prison officials are denying him adequate medical care by refusing to properly treat his glaucoma. On May 2, 2005, the undersigned United States Magistrate Judge granted Mr. Demos' application to proceed *in forma pauperis*. (Dkt. #2). The Court has reviewed Mr. Demos' complaint and the record and hereby finds and ORDERS as follows:

(1) Mr. Demos is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993).

Under orders of this Court, Mr. Demos may submit only three *in forma pauperis* applications and proposed actions each year. *See In re John Robert Demos*, MS91-269 (W.D. Wash., January 16, 1992). Along with those materials, he must submit a separate statement that

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1 shows good cause why he should be permitted to proceed *in forma pauperis* and an affidavit  
 2 attesting to the fact that the claims in the proposed action have not been previously presented in  
 3 any other action in any court. *See In re John Robert Demos*, MS91-269 (W.D. Wash., January  
 4 16, 1992) and *In re Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash.,  
 5 December 15, 1982). Furthermore, under 28 U.S.C. § 1915(g), Mr. Demos must demonstrate  
 6 “imminent danger of serious physical injury” to proceed *in forma pauperis* because he has had  
 7 numerous prior actions dismissed as frivolous, malicious or for failure to state claim. *See*  
 8 *Demos v. Lehman*, MS99-113 (W.D. Wash., August 23, 1999).

9       Although the Court previously granted plaintiff’s *in forma pauperis* application, upon  
 10 further review of the record, it appears that because this is his fourth application this year,  
 11 plaintiff has exceeded the number of filings permitted by the Court.<sup>1</sup> In addition, the instant  
 12 application does not meet the requirement under 28 U.S.C. § 1915(g) of demonstrating that  
 13 plaintiff is in imminent danger of serious physical injury. While he alleges that prison officials  
 14 are ignoring his glaucoma, one of plaintiff’s own exhibits indicates that he was seen by an  
 15 ophthalmologist on September 24, 2004. (Dkt. #4, Ex. A-20). The ophthalmologist concluded  
 16 that plaintiff had “uncontrolled glaucoma, probably due to poor compliance” with previous  
 17 instructions to use eye drops to treat his condition. (*Id.*) Thus, plaintiff fails to show that he is  
 18 in imminent danger of serious physical injury, and his application to proceed *in forma pauperis*  
 19 could also be denied on that ground.

20       Accordingly, the previous Order granting plaintiff’s application to proceed *in forma*  
 21 *pauperis* is hereby VACATED and the application is DENIED. Because plaintiff has not paid  
 22 the applicable filing fee, this action is DISMISSED.

23       (2)      The Clerk shall send a copy of this Order to Mr. Demos and to United States  
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<sup>1</sup> The other applications filed by plaintiff are in Case Nos. MS05-25RSM, MS05-58RSM,  
 26 and MS05-70MAT.

1 Magistrate Judge Monica J. Benton.

2 DATED this 17th day of May, 2005.

3   
4 JOHN C. COUGHENOUR  
5 United States District Judge

6 Recommended for Entry  
7 this 17th day of May, 2005

8 /s/ Monica J. Benton \_\_\_\_\_  
9 MONICA J. BENTON  
United States Magistrate Judge

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